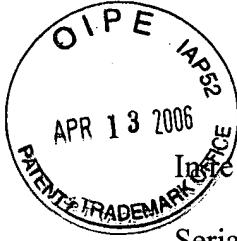


NEXP-0005

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Batoff, Jeffrey**

Serial No.: **10/085,394**

Group Art Unit: **3627**

Filed: **February 28, 2002**

Examiner: **Zeender, F.**

For: **INVENTORY CONTROL AND BALANCING SYSTEM**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
BENEFIT CLAIM UNDER 35 U.S.C. §120**

Sir:

1. Applicant respectfully petitions the Commissioner to accept the unintentionally delayed claim for priority under 35 U.S.C. §120 in the above captioned patent application to International Application PCT/US01/30002, which (1) designated the United States of America; (2) was filed on September 26, 2001; and (3) was still pending on February 28, 2002, the date the present application was filed.
2. The required reference under 35 U.S.C. §120 to the prior application has been made in the amendment that is being filed on even date herewith.
3. The entire delay between the date that the claim was due under 37 C.F.R. 1.78(a)(2) or (a)(5) and the present date on which the claim is being filed was unintentional.
4. Payment for the surcharge of \$1370.00 as required in 37 C.F.R. 1.17(t) is enclosed.

04/14/2006 MWOLGE1 00000009 10085394

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1370.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I certify that this document, along with any document referred to as being attached, is being deposited with the U.S. Postal Service on April 10, 2006 as first class mail under 37 C.F.R. §1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rebekah L. Durkee
Name of person signing document

Rebekah L. Durkee
Signature of person signing document

5. If the Petitions Examiner has any questions, he or she is respectfully invited to telephone the undersigned at 215-599-0600. Contact with the undersigned via electronic mail at jknable@patentwise.com is hereby authorized¹ per MPEP 502.03.

Respectfully submitted,

John L. Knoble
Registration No. 32,387

Date: 4/10/06

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¹ Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.